

Readoption Review

Infectious Waste 410 IAC 1-3

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for the regulation of infectious waste in Indiana. In 1996, the Indiana General Assembly enacted IC 4-22-2.5 to establish automatic expiration of any rule in effect for more than seven years and create a streamlined method for readoption of such rules without change. On January 17, 1989, in accordance with IC 16-41-16, the ISDH adopted 410 IAC 1-3 to establish that the generator of infectious waste is responsible for the appropriate containment, appropriate labeling, effective treatment, transport, and disposal of infectious waste. In accordance with IC 4-22-2.5, 410 IAC 1-3 must be readopted if it is to remain in effect.

Readoption Analysis:

1. Is there a continued need for this rule?

IC 16-19-3 requires the ISDH to perform specific functions. IC 16-19-3-4 allows the ISDH to adopt rules to protect or improve the public health in Indiana under IC 16-41-16. All mentioned statutes remain in effect, so there is a continued need for the rule concerning treatment of infectious waste.

2. What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

Since the effective date of the rule, there have been no complaints or comments received from the public or small business concerning this rule or the implementation of this rule by the ISDH. This is not surprising, since the ISDH considered the guidelines from the United States Environmental Protection Agency, United States Centers for Disease Control and Prevention, United States Occupational Safety and Health Administration, Indiana Department of Labor, and Indiana Department of Environmental Management when adopting rules for the treatment of infectious waste.

3. Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small business in complying with the rule.

No complaints or comments have been received from small business about this rule or the implementation of it, and the ISDH is not aware of any difficulties in administration of, or compliance with, this rule. The rule ensures that infectious waste is, at all times, contained in a manner that will reasonably protect waste handlers and the public from contracting dangerous communicable diseases that may result from exposure to the infectious waste.

4. To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. This rule applies, without regard to quantity, to defined facilities and persons involved in infectious waste activity. This rule represents minimum standards, and persons may utilize more stringent standards.

5. When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

This rule was readopted July 11, 2001. Technology and economic conditions have changed since 2001, but not in ways that would require a change in the rule. This rule subjects all persons and facilities to either effectively treat infectious waste or transport infectious waste off-site for effective treatment.

April 13, 2007